

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 015358-006600US	
I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on <u>September 19, 2007</u> . TOWNSEND and TOWNSEND and CREW LLP By: <u>/Linda Shaffer/</u> Linda Shaffer	Application Number 10/081,129		Filed February 21, 2002
	First Named Inventor Graham, Jamey		
	Art Unit 2179	Examiner Mylinh T. Tran	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 53,437

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. _____

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Signature

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9/19/07

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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PATENT
Attorney Docket No. 015358-006600US
Client Ref. No. ID-RSV-262

TOWNSEND and TOWNSEND and CREW LLP

By: /Linda Shaffer/
Linda Shaffer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JAMEY GRAHAM

Application No.: 10/081,129

Filed: February 21, 2002

For: MULTIMEDIA VISUALIZATION
AND INTEGRATION ENVIRONMENT

Confirmation No. 9535

Examiner: Mylinh T. Tran

Technology Center/Art Unit: 2179

ARGUMENTS IN SUPPORT
OF REQUEST FOR
PRE-APPEAL BRIEF CONFERENCE

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

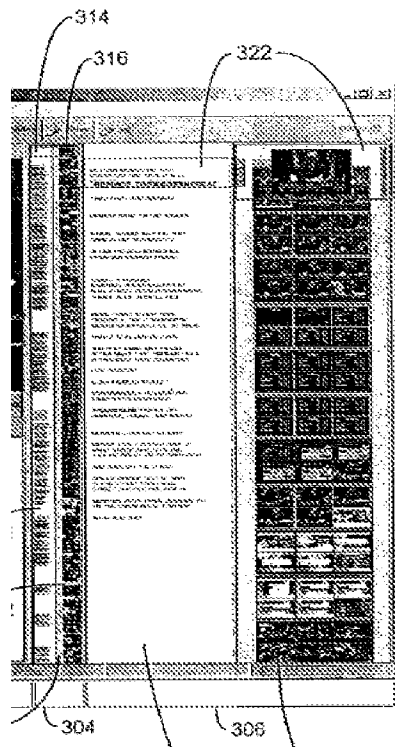
Further to the Notice of Appeal mailed herewith, Appellants submit the following arguments in support of the request for a pre-appeal brief conference.

Each of the pending claims 1-7, 9-15, 17-46, 48-54, 56-82, 84-90, and 92-111 stand finally rejected as anticipated, or as obvious, in view of U.S. Patent No. 6,567,980 to Jain et al. (hereinafter "Jain"). As set forth in detail below, the Examiner has omitted one or more essential elements needed for a prima facie rejection of anticipation. Additionally, there exists clear error in the Examiner's rejections.

Embodiments in accordance with the present invention relate to user interfaces for retrieving and displaying multimedia information that may be stored in the multimedia document. Particular embodiments display a representation of multimedia information stored by a multimedia document in a first area of a graphical user interface (GUI). The representation of

the multimedia information displayed in the first area comprises a representation of information of a first type and a representation of information of a second type. A first lens is displayed covering a first portion of the first area. A representation of multimedia information comprising a portion of the representation of information of the first type covered by the first lens and a portion of the representation of information of the second type covered by the first lens is displayed in a second area of the GUI.

For example, FIG. 3 of the Application illustrates a viewing lens or window 314 (hereinafter referred to as “thumbnail viewing area lens 314”) displayed in second viewing area



304 (shown in part to the left). Thumbnail viewing area lens 314 covers or emphasizes a portion of second viewing area 304 displaying a representation of multimedia information having a representation of information of a first type and a representation of information of a second type. According to the teachings of the present invention, multimedia information corresponding to the area of second viewing area 304 covered by thumbnail viewing area lens 314 is displayed in third viewing area 306 such that a portion of the representation of information of the first type covered by the first lens and a portion of the representation of information of the second type covered by the first lens is displayed in second viewing area 304.

In the embodiment depicted in FIG. 3, thumbnail viewing area lens 314 is positioned at the top of second viewing area 304 and emphasizes a top portion (or starting portion) of the multimedia document. The position of thumbnail viewing area lens 314 may be changed by a user by sliding or moving lens 314 along second viewing area 304. For example, in FIG. 3, thumbnail viewing area lens 314 may be moved vertically along second viewing area 304.

Pending independent claim 1 accordingly recites a method of displaying multimedia information stored in a multimedia document on a display, the multimedia

information comprising information of a plurality of types including information of a first type and information of a second type, the method comprising:

displaying a graphical user interface (GUI) on the display;

displaying, in a first area of the GUI, a representation of the multimedia information stored by the multimedia document, the displayed representation of the multimedia information comprising a representation of information of the first type and a representation of information of the second type;

displaying a first lens covering a first portion of the first area; and

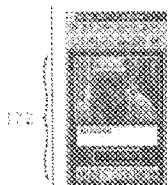
displaying, in a second area of the GUI, a representation of multimedia information displayed in the first portion of the first area, the representation of multimedia information displayed in the second area comprising a portion of the representation of information of the first type covered by the first lens and a portion of the representation of information of the second type covered by the first lens. (Emphasis added).

Independent claims 18, 28, 37, 38, 39, 40, 57, 67, 76, 93, and 103 recite similar techniques for displaying multimedia information stored in a multimedia document.

All independent claims stand rejected as anticipated by Jain. Regarding the anticipation claim rejections:

[t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; M.P.E.P. 706.02)

Here, Jain fails to teach, explicitly or even impliedly, all of the elements of the pending claims. In particular, Jain fails to teach or suggest a first lens covering a first portion of the first area. Jain further fails to teach or suggest displaying a portion of the representation of information of a first type covered by the first lens and a portion of the representation of information of a second type covered by the first lens in a second area.



Rather, Jain merely discloses a graphical user interface that includes

a preview window that displays live video while being digitized. FIG. 2 of Jain illustrates that a panel 172 (shown right) includes a preview window that display the live video being captured.

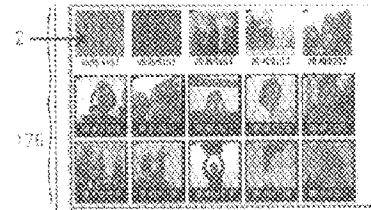


FIG. 2 of Jain further illustrates that keyframes extracted during the capture process are displayed in a panel 176 (shown left).

In regard to the first lens recited in the claims, the Examiner alleges in Office Action dated Aug. 9, 2006 that the panel 172 contains information of a first type (e.g., image) and a second type (e.g., a caption) stored by a multimedia document as recited in claim 1. The Examiner does not specify any element of FIG. 2 of Jain or identify any written support in Jain, but simply concludes that a first lens covers panel 172. Thus, the Examiner has omitted one or more essential elements needed for a prima facie rejection of anticipation.

In the Final Office Action dated Apr. 20, 2007, the Examiner responds to Applicants' arguments and maintains the rejection by stating that "the user puts a first lens covering the desired frame 172 by capturing and selecting the desired video clip frame 172." The Examiner then submits "if the user wants to capture a next video clip (like frame 186), the user puts a second lens on the frame 186 by selecting and then displaying this frame in the panel 172." However, Jain does not teach that a user "puts a lens covering the desired frame" and Jain does not teach that the user selects images in the preview window for capture. Jain clearly discloses that panel 172 not only displays the live video preview, but also includes controls that interact remotely with an analog source. Thus, it is more likely in Jain that the user merely pushes a control in panel 172 representing a "RECORD" button to capture the live video.

Finally, in the Advisory Action dated July 2, 2007, the Examiner maintained the rejection by stating, "the step of capturing one of the keyframes is similar to the step of covering a portion of multimedia information by a first lens." This is erroneous because the first lens recited in the claims covers multimedia information having a first and second type of information, whereas the analogy of the Examiner is a process of "capturing one of the keyframes" or capturing one type of information.

In regard to displaying a portion of information of the first and second type covered by the first lens, the Examiner alleges that panel 176 displays a portion of the

representation of information of the first type covered by the first lens and a portion of the representation of information of the second type covered by the first lens as recited in claim 1. The Examiner merely identifies the key frames displayed in panel 176 and fails to point out where the caption information in panel 172 previously alleged by the Examiner to be the second type of information is displayed in panel 176. Thus, again, the Examiner has omitted one or more essential elements needed for a prima facie rejection of anticipation.

In the Final Office Action dated Apr. 20, 2007, the Examiner alleges that each image in panel 176 includes images and text. However, the Examiner has not established that the text shown in panel 176 is a portion of information covered by a first lens as recited in the claims. Jain fails to provide any written support for the text under each image in panel 176. However, assuming that the text represents time code information associated with the image, the Examiner has fail to demonstrate that Jain discloses that a first lens covers both an image and its associated time code information in panel 172, and that a portion of the image and the time code information is then displayed in panel 176.

Furthermore, the pending claims are directed to displaying representations of multimedia information stored in a multimedia document. The panel 172 in Jain displays the preview of live video for a capture process.

For these reasons, it is respectfully submitted that the rejection should be reversed. The Examiner has omitted one or more essential elements needed for a prima facie rejection of anticipation. Additionally, there exists clear error in the Examiner's rejections.

Respectfully submitted,

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